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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,502	11/20/2001	Motoi Sato	44471-266545 (13700)	7414
23370	7590	03/30/2006	EXAMINER	
JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET ATLANTA, GA 30309			KRAMER, JAMES A	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/997,502

Applicant(s)

SATO ET AL.

Examiner

James A. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/20/06</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/19/06 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Linden et al.

Linden et al. teaches a collaborative recommendations using item-to-item similarity mappings. A recommendations service recommends items to individual users based on a set of items that are known to be of interest to the user, such as a set of items previously purchased by the user (access logs). In the disclosed embodiments, the service is used to recommend products

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to users of a merchant's Web site. The service generates the recommendations using a previously-generated table which maps items to lists of "similar" items. The similarities reflected by the table are based on the collective interests of the community of users. For example, in one embodiment, the similarities are based on correlations between the purchases of items by users (e.g., items A and B are similar because a relatively large portion of the users that purchased item A also bought item B). The table also includes scores which indicate degrees of similarity between individual items. To generate personal recommendations, the service retrieves from the table the similar items lists corresponding to the items known to be of interest to the user. These similar items lists are appropriately combined into a single list, which is then sorted (based on combined similarity scores) and filtered to generate a list of recommended items. Also disclosed are various methods for using the current and/or past contents of a user's electronic shopping cart to generate recommendations. In one embodiment, the user can create multiple shopping carts, and can use the recommendation service to obtain recommendations that are specific to a designated shopping cart. In another embodiment, the recommendations are generated based on the current contents of a user's shopping cart, so that the recommendations tend to correspond to the current shopping task being performed by the user.

Examiner notes that Linden et al. teaches monitoring a users shopping habits (access logs) and then mapping these habits to a table in order to generate recommendations. In addition, the above teachings of Linden et al. supports requesting, sorting and saving item ratings based on a users perception of a product he/she has purchased. In otherwords, after a user has made a purchase, the system of Linden et al. can request the user to rank the item in order to generate a user preference list.

*Response to Arguments*

Applicant's arguments filed 1/19/2006 have been fully considered but they are not persuasive.

Applicant asserts that Linden fails to the a list of item identifiers and their distances for each client identifier, or as a list of client identifiers and their distances for each item identifier. Applicant further states that "as described in the specification the distance relates to the number of accesses to an item or a time elapsed since the date and time of the latest access to the item."

Examiner respectfully asserts that Linden does in fact teach distances, as described by Applicant in the specification. By way of an example, Examiner points to column 3, lines 23-26 of Linden which states, " the similar items list for a book that was purchased in the last week may be weighted more heavily that the similar items list for a book that was purchased over four months ago." Clearly this incorporates Applicant's concept of distance or time elapsed since the date and time of latest access. In other words, by weighing more heavily the most recent purchase, Linden uses distance as part of the access log and mapping for the recommendations.

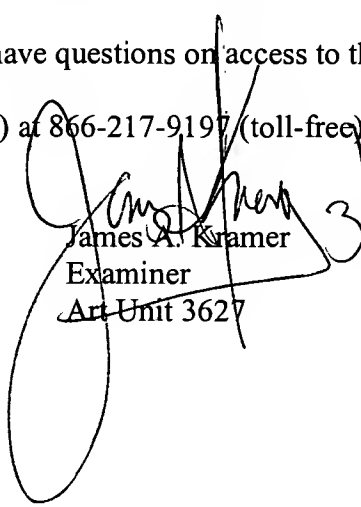
Applicant further asserts that Linden does not teach extracting only the access logs of those clients that are targets. Examiner respectfully disagrees. Examiner notes that recommendations within the system of Linden are only given to user which are targets. In other words, the system of Linden has to know something (e.g. a recent purchase, other items the user likes, etc) about the user (i.e. identify them as a target) before it can recommend an item to that user.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James A. Kramer  
Examiner  
Art Unit 3627

3/29/06

jak